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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

Attorneys for Plaintiff  
EDEN SURGICAL CENTER,  
a California medical corporation

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

EDEN SURGICAL CENTER, a  
California medical corporation,

Plaintiff,

v.

TENET HEALTHCARE  
CORPORATION, C/O TENET  
BENEFITS ADMINISTRATION  
COMMITTEE, in its capacity as plan  
administrator,

Defendant.

Case No. **CV09 07156 FMO**  
**COMPLAINT FOR DISCLOSURE  
AND STATUTORY PENALTY FOR  
FAILURE TO DISCLOSE PLAN  
DOCUMENTS UNDER THE  
EMPLOYEES RETIREMENT  
INCOME SECURITY ACT OF 1974**

**29 U.S.C. §1132(a)(1)(A)**  
**[Disclosure Penalty]**

Plaintiff Eden Surgical Center respectfully alleges as follows:

1. Plaintiff Eden Surgical Center ("Eden") at all times mentioned herein, was and is a California medical corporation conducting business in the County of Los Angeles, State of California.

2. Eden is informed and believes, and on that basis alleges, that defendant Tenet Healthcare Corporation, c/o Tenet Benefits Administration Committee, in its

[1]

COMPLAINT FOR DISCLOSURE AND  
STATUTORY PENALTY

1 capacity as the plan administrator ("Tenet"), at all times mentioned herein, was and is a  
2 corporation with a group employee welfare benefit plan that can be found and is  
3 administered in the County of Los Angeles, State of California.

4 3. The jurisdiction of this Court is proper under 29 U.S.C. §1132(e), as this is  
5 a civil action under Section 502 of the Employees Retirement Income Security Act of  
6 1974 ("ERISA"). All statutory references are to ERISA, which is codified at Title 29.

7 4. The venue of this action in this Court is proper under 29 U.S.C.  
8 §1132(e)(2), as the Tenet Employee Benefit Plan, *infra*, may be found, and is  
9 administered, in California's Central Judicial District, in the County of Los Angeles,  
10 State of California.

### 11 Eden's Standing

12 5. Eden hereby sues Tenet derivatively, appearing before this Court as the  
13 assignee of its patient, plan participant Gloria Elequin (the "Plan Participant"), and not  
14 as an independent suitor. As a derivative suitor, Eden stands in the shoes of its  
15 assignor, and invokes the jurisdiction of the Court to enforce the Plan Participant's  
16 ERISA rights.

17 6. Subject matter jurisdiction of this Court is proper under 28 U.S.C. §1331,  
18 as Eden presents a colorable claim under ERISA.

19 7. Eden reserves, and does not hereby waive its right, to pursue additional  
20 relief against Tenet in the future under 29 U.S.C. §1132(a)(1)(B).

### 21 The Plan and the Administration Thereof

22 8. Eden is informed and believes, and thereon alleges that Tenet has a group  
23 employee welfare benefit plan entitled the Tenet Employee Benefit Plan (the "Plan").

24 9. Eden is informed and believes, and thereon alleges that PacifiCare (or an  
25 affiliate or subsidiary thereof) ("PC"), serves as the claims administrator for the Plan.

26 10. Tenet, in its capacity as the plan administrator, is liable for the ERISA  
27 disclosure violations at issue. As such, Tenet is charged herein with the failure and  
28 refusal to provide the documents under which the Plan is operated and relating to the

1 adverse benefit determination at issue, following Eden's written request for such  
2 documents, in direct violation of 29 U.S.C. §1024(b)(4) and 29 C.F.R. §2560.503-1  
3 paragraphs (g), (h) and (m).

4 **The Plan Participant**

5 11. Eden is informed and believes, and on that basis alleges, that at all times  
6 mentioned herein, the Plan Participant was and is a covered beneficiary of the Plan.

7 12. On or about February 26, 2006, Eden verified with PC that the Plan  
8 Participant was a covered beneficiary of the Plan.

9 13. Prior to receiving medical care from Eden, the Plan Participant assigned  
10 her benefits and ERISA representative rights under the Plan to Eden.

11 14. Based upon the information provided and the representation of coverage  
12 made by PC, Eden rendered medical care to the Plan Participant on or around  
13 September 28, 2006.

14 15. Following the medical services provided to the Plan Participant, Eden  
15 submitted an HCFA 1450 claim with an itemized list of expenses to PC for  
16 reimbursement.

17 16. PC requested certain documents for medical review from Eden before it  
18 could process the claim. On December 11, 2006, Eden forwarded medical documents  
19 and records to PC employee Kristen Markel, who acknowledged receipt of the  
20 information and replied that the information would be forwarded to PC's medical  
21 director for review. PC provided no further communication, and failed to respond to  
22 subsequent requests for clarification regarding the status of the claim.

23 17. Thus, PC issued an adverse benefit determination on Eden's claim by  
24 failing to respond to Eden's request for information.

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**Eden's Document Production Demand**

18. On or about June 8, 2009, Eden demanded, in writing, that Tenet produce the contracts, agreements and documents under which the Plan is established and/or operated and relating to the adverse benefit determination at issue (the "Documents"), pursuant to 29 U.S.C. §1024(b)(4) and 29 C.F.R. §2560-501 paragraphs (g), (h) and (m).

19. In response, Tenet claimed that PC had never received the medical records that were sent to PC in December of 2006. Eden then provided Tenet and PC with copies of the documents Eden disclosed to PC in December of 2006.

20. Tenet subsequently produced the Tenet Employee Benefit Plan, the PC Certificate of Coverage and the PC Schedule of Benefits, but failed and refused to produce any additional documents, notwithstanding Eden's request.

21. On August 25, 2009, PC issued an Explanation of Benefits ("EOB") which stated Eden's claim was ineligible. PC's notice stated "claims must be submitted within the timely filing limit in order to be paid. Your timely filing limit may be based on any of the following: provider contract, certificate, and/or state law(s)".

22. As of the date this Complaint was filed, Tenet has failed and refused to produce the additional Documents relating to the operation of the Plan which would allow Eden to understand the ineligibility and ultimate denial notice.

23. Based on Tenet's conduct, Eden has been denied the opportunity to know exactly where it stands with respect to the Plan and the operation thereof regarding the claims administration for medical services provided to the Plan Participant.

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**FIRST CAUSE OF ACTION**  
**FOR DISCLOSURE AND PENALTIES FOR FAILURE**  
**TO DISCLOSE THE DOCUMENTS IN VIOLATION OF**  
**29 U.S.C. §1024(b)(4) AND 29 C.F.R. §2560.503.1.**

24. Eden realleges and incorporates herein by this reference paragraphs 1 through 23, inclusive, of this Complaint.

25. As an ERISA fiduciary and administrator of the Plan, Tenet had a duty to provide complete disclosure of the Documents upon the written request from Eden, and if necessary, to obtain such documents from its subordinate claims administrator.

26. Tenet breached this disclosure duty by failing and refusing to produce all of the required Documents after receiving Eden's written request, in violation of 29 U.S.C. §1024(b)(4) and 29 C.F.R. §2560.503-1 paragraphs (g), (h) and (m).

27. Tenet's failure to produce the Documents denied Eden the opportunity to know exactly where it stands with respect to the Plan and the operation thereof regarding the claims administration for medical services provided to the Plan Participant identified herein, and thus necessitated the filing of this action.

28. Accordingly, Tenet should be ordered to produce the requested Documents under 29 U.S.C. §1024(b)(4) and 29 C.F.R. §2560.503-1 paragraphs (g), (h) and (m). Further, Tenet should be subject to the statutory penalty prescribed by 29 U.S.C. §1132(c), in the amount of \$110.00 dollars per day commencing on July 9, 2009, through and including the date judgment is entered in this action, or the date that the requested Documents are received, whichever comes first.

29. In addition, Eden should be awarded its reasonable attorneys' fees incurred in this action, pursuant to 29 U.S.C. §1132(g)(1).

**PRAYER**

**WHEREFORE**, plaintiff Eden Surgical Center prays for judgment against defendant Tenet Healthcare Corporation c/o Tenet Benefits Administration Committee, in its capacity as the plan administrator, as follows:

[5]

**ON THE FIRST CAUSE OF ACTION**

1  
2 1. For an order or judgment of the Court compelling Tenet's immediate  
3 production of all Documents requested by Eden, in accordance with 29 U.S.C.  
4 §1024(b)(4) and 29 C.F.R. §2560.503-1 paragraphs (g), (h) and (m);

5 2. For an award of the statutory penalty due under 29 U.S.C. §1132(c) in the  
6 amount of \$110.00 dollars per day for the claim at issue, commencing on July 9, 2009,  
7 through and including the date judgment is entered in this action, or the date that the  
8 requested Documents are received, whichever comes first;

9 3. For an award of Eden's attorneys' fees incurred in this action, pursuant to  
10 29 U.S.C. §1132(g)(1);

11 4. For an award of plaintiff Eden Surgical Center's costs of suit incurred  
12 herein; and

13 5. For such other and further relief as the Court deems just and proper.

14 Dated: October 1, 2009

THE JEWETT LAW GROUP, INC.

15  
16 By: 

17 BRADLEY E. JEWETT  
18 Attorneys for Plaintiff  
19 Eden Surgical Center  
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<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Eden Surgical Center, a California medical corporation		<b>DEFENDANTS</b> Tenet Healthcare Corporation, c/o Tenet Benefits Administration Committee, in its capacity as plan administrator	
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Bradley E. Jewett (Bar No. 222773) / The Jewett Law Group, Inc. 937 N. Crescent Heights Blvd., Los Angeles, CA 90046 Tel: (323) 378-6098		Attorneys (If Known)	

  

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%; border: none;">Citizen of This State</td> <td style="width:10%; border: none;">PTF <input type="checkbox"/> 1</td> <td style="width:10%; border: none;">DEF <input type="checkbox"/> 1</td> <td style="width:40%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none;">PTF <input type="checkbox"/> 4</td> <td style="width:10%; border: none;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none;">PTF <input type="checkbox"/> 2</td> <td style="border: none;">DEF <input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none;">PTF <input type="checkbox"/> 5</td> <td style="border: none;">DEF <input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none;">PTF <input type="checkbox"/> 3</td> <td style="border: none;">DEF <input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none;">PTF <input type="checkbox"/> 6</td> <td style="border: none;">DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

  
**IV. ORIGIN** (Place an X in one box only.)  
☒ 1 Original Proceeding     ☐ 2 Removed from State Court     ☐ 3 Remanded from Appellate Court     ☐ 4 Reinstated or Reopened     ☐ 5 Transferred from another district (specify):     ☐ 6 Multi-District Litigation     ☐ 7 Appeal to District Judge from Magistrate Judge
   
  
**V. REQUESTED IN COMPLAINT:**     **JURY DEMAND:** ☐ Yes     ☒ No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION under F.R.C.P. 23:** ☐ Yes     ☒ No     **MONEY DEMANDED IN COMPLAINT:** \$ \$9,000 (approx statutory penalty)
   
  
**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 29 U.S.C. Section 1024(b)(4) Disclosure; 29 U.S.C. Section 1132(c) Statutory Penalty re: failure to disclose required documents under ERISA.
   
  
**VII. NATURE OF SUIT** (Place an X in one box only.)
 

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER</b> <b>PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

CV09 07156

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Eden Surgical Center - Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Tenet Healthcare Corporation, c/o Tenet Benefits Administration Committee, in its capacity as plan administrator - Texas

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** \_\_\_\_\_

**Date** October 1, 2009

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))



Name & Address: The Jewett Law Group, Inc.  
 Bradley E. Jewett, Esq. (Bar No. 222773)  
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 Los Angeles, CA 90046  
 Tel: (323) 378-6098 / Fax: (323) 378-5818  
 Brad@JewettLawGroup.com

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

Eden Surgical Center, a California medical corporation

CASE NUMBER

PLAINTIFF(S)

v.

**CV09 07156 FMO**

Tenet Healthcare Corporation, c/o Tenet Benefits  
 Administration Committee, in its capacity as plan  
 administrator

DEFENDANT(S).

**SUMMONS**

TO: DEFENDANT(S): Tenet Healthcare Corporation, c/o Tenet Benefits Administration Committee, in its  
 capacity as plan administrator

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Bradley E. Jewett, whose address is 937 N. Crescent Heights Blvd., Los Angeles, CA 90046. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: OCT - 1 2009

By: CHRISTOPHER POWERS  
 Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].